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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,913	03/30/2001	Steven G. Smith	BELL-0073/00349	9013

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EXAMINER	
NGUYEN, TAI T	
ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Joseph Condo

42,431

Office Action Summary	Application No.	Applicant(s)	
	09/822,913	SMITH ET AL.	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duley (US 5,459,671) in view of Hansson (US 6,323,775).

Regarding claim 1, Duley discloses a method for indicating the battery status in a portable computer including all subject matters as follow:

retrieving battery status data from a basic input-output system (BIOS) on a computing device, the battery status data reflecting a power capacity of the battery (46, col. 5, lines 4-39), wherein a software placed within a micro-controller (16) that monitors the charge gauge integrated circuit (18) and obtains battery data and battery status information, wherein the micro-controller (16) communicates the battery information to a system microprocessor (10) which initiating a BIOS interrogating routine to retrieve battery status data from a BIOS in the computing device and providing a user perceptible battery status indicator (12, 20) via the applications program on the computing device (col. 5, lines 14-39);

comparing the retrieved battery status data to a predefined battery status threshold stored on the computing device (col. 11, lines 50- 67 and col. 12, lines 1-28);

and based on the comparison of the battery status data to the predefined battery status threshold, proving a battery status indicator to an applications program placed within a micro-controller (16) in order to display battery status information on a computing display (12, 20; figure 1; col. 4, line 62 through col. 5, line 39).

Duley discloses the instant claimed invention except for the application program including a user interface to a remote network for integration of the battery status indicator into the user interface of the application program. Hansson teaches a user interface (15-17) interfacing with a remote network (30) for integration of the battery indicator into the user interface of the application program (col. 2, lines 42-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the network interface design of Hansson into the system as disclosed by Duley for the purpose of providing recharge notification within range of the charging unit.

Regarding claim 2, Duley discloses the step of using a software placed within the microcontroller (16) monitors the charge gauge integrated circuit (18) and retrieves battery status data e.g. charge, temperature, and battery status information from BIOS on the computing device (col. 5, lines 4-15) but fails to disclose the battery status data relating to the voltage of the battery. Since Duley disclose a relevant art using a monitor device to monitor the voltage level of a rechargeable battery (col. 1, lines 41-50), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the software as disclosed by Duley to retrieve battery

voltage data for the purpose of monitoring the battery voltage level in order to charge/replace the battery.

Regarding claim 5, refer to claim 1 above.

Regarding claim 6, as shown in figure 2, Duley discloses the step of providing the battery status indicator comprises displaying a gauge representative of a current battery status.

Regarding claim 7, Duley also disclose that the predefined battery status threshold is user-definable by level setting (28, col. 5, line 60 through col. 6, line 5).

Regarding claim 8, refer to claim 1 above.

Regarding claim 9, refer to claim 3 above.

Response to Arguments

3. Applicant's arguments filed March 11, 2003 have been fully considered but they are not persuasive.

Applicant argues that claims 1 and 8 include the feature of initiating a BIOS interrogating routine by an application program to retrieve battery status and providing a battery status indicator to the application program on the computing device and the application program including an user interface to a remote network for integration into the user interface of the application program. Duley discloses the retrieval of the battery status by the application program through the BIOS routine (figure 6A). Hansson teaches providing the data through the remote network (figure 3) and receiving feedback therefrom depending upon the battery status (col. 5, lines 15-25).

Applicant argues that skilled artisan would not have been motivated to combine Hansson with Duley since Hasson is directed to notifying a user of the portable device of a "recharge notification," when the battery capacity falls below a predetermined level and the device is proximately located to a charging unit. The output of the test circuitry of Hansson is connected to an input of the controller (13) which monitors the output of battery test circuitry in order to detect when the battery capacity falls below a predetermined level (col. 5, lines 40-54).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached at (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3988 for regular communications and (703) 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

April 1, 2004
Tai T. Nguyen
Examiner
Art Unit 2632

DANIEL J. WU
PRIMARY EXAMINER
4/15/04